

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH ERIC DELACRUZ,

Defendant.

CR 03–10–H–CCL-01

ORDER

Defendant Joseph Delacruz (Delacruz) moves for an order requesting that the venue of his case be changed to Georgia so that the Bureau of Prisons will move him to a halfway house located in Atlanta Georgia, rather than Montana. (Doc. 240). He wants to be released to Atlanta so that he can be near his family and receive treatment for his medical conditions.

When Delacruz filed his motion in March of this year, he was housed at a Federal Prison Camp in South Carolina. (*See* Doc. 240 at 3). According to the Bureau of Prisons' Inmate Locator, he is currently housed at a Residential Reentry Center in Seattle, Washington and is scheduled to be released on August 10, 2020.

The Bureau of Prisons has “plenary control, subject to statutory constraints, over ‘the place of the prisoner’s imprisonment’ and the treatment programs (if any) in which he may participate.” *Tapia v. United States*, 664 U.S. 319, 331 (2011)(internal citations omitted). It appears that the Bureau of Prisons has determined that the Seattle facility can best serve Delacruz’s medical and rehabilitation needs as he approaches his release date. This Court has no authority to interfere with that decision. Accordingly,

IT IS HEREBY ORDERED that Defendant’s motion for change of venue (Doc. 240) is DENIED. Defendant should have notified the Court of his new address when he was moved to RRM Seattle. Despite his failure to do so, the Clerk is directed to provide a copy of this order to Defendant at RRM Seattle, 2425 South 200 St., Seattle, WA 98198.

Dated this 29<sup>th</sup> day of July, 2020.

  
CHARLES C. LOVELL  
SENIOR UNITED STATES DISTRICT JUDGE